

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
CASE NO. 22-22624-CIV-WILLIAMS

SHERESE GODSCHILD, *et al.*,

Plaintiffs,

v.

YASSET ELMUZA, *et al.*,

Defendants.

\_\_\_\_\_ /

**ORDER**

**THIS MATTER** is before the Court on U.S. Magistrate Judge Chris M. McAliley’s Report and Recommendation (“***the Report***”) (DE 7) that the Court dismiss the above-captioned case with prejudice. On August 17, 2022, *pro se* Plaintiff Sherese Godschild initiated this case on behalf of herself and her two minor children (collectively, “***Plaintiffs***”) pursuant to the federal Fair Debt Collection Practices Act (“***FDCPA***”), which is codified in relevant part at 15 U.S.C. §§ 1692 and 1692p. (DE 1.) On the same day, Plaintiffs also filed the Motion for Leave to Proceed *In Forma Pauperis* (“***IFP Motion***”) (DE 3) pursuant to 28 U.S.C. § 1915(a) (“***Section 1915***”), which the Court’s Order of Referral and Notice of Court Practice and Procedures referred to Judge McAliley for a report and recommendation. (DE 5.) As Judge McAliley stated in the Report, Section 1915 requires the Court to dismiss an action brought *in forma pauperis* at any time, upon determining that the action fails to state a claim for which relief may be granted. (DE 7 at 2); *see also* 28 U.S.C. § 1915(e)(2)(B)(ii).


Although Judge McAliley recommends that the Court grant Plaintiffs’ IFP Motion, she also has determined that the Complaint “does not state a claim for relief under the FDCPA.” (DE 7 at 4.) Specifically, Judge McAliley’s Report states that Plaintiff “has not shown, nor is she able to, that Defendants are ‘debt collector[s]’ within the meaning of the [FDCPA],” because the Complaint “does not allege facts that show that Defendants regularly collect debts for another . . . [and] the

business Defendants, and their principals, are alleged to be in the business of providing tow and auto repair services,” as opposed to collecting debts. (*Id.* at 4–5.) Judge McAiley has also determined that the Complaint’s subsequent allegations of fraud and deception against Defendants cannot be properly raised in this Court. (*Id.* at 5.) Given that Plaintiffs have failed to state a claim for relief under the FDCPA, the Report notes that no federal question exists for the Court to adjudicate. (*Id.*); *see also* 28 U.S.C. § 1331. And given that Plaintiffs have failed to show that they are completely diverse from every named Defendant, the Report also states that this Court lacks diversity jurisdiction. (DE 7 at 5); *see also* 28 U.S.C. § 1332. Accordingly, the Report recommends that the Court dismiss this action with prejudice. No objections have been filed.

Having reviewed the Report, Plaintiffs’ IFP Motion, and the underlying record, the Court agrees with Judge McAiley’s conclusions and recommendations. Therefore, it is **ORDERED AND ADJUDGED** as follows:

1. The conclusions in the Report (DE 7) are **AFFIRMED AND ADOPTED**.
2. Plaintiffs’ IFP Motion (DE 3) is **GRANTED**.
3. However, pursuant to 28 U.S.C. § 1915, Plaintiffs’ Complaint (DE 1) is **DISMISSED WITH PREJUDICE** for failure to state a claim upon which relief can be granted.
4. Any other pending motions are **DENIED AS MOOT**.
5. Any forthcoming deadlines, hearings, and/or trial settings are **CANCELED**.
6. The Clerk of Court is directed to **CLOSE** this case.

**DONE AND ORDERED** in Chambers in Miami, Florida on this 28th day of November, 2022.

  
KATHLEEN M. WILLIAMS  
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Sherese Godschild, *Pro Se*  
2031 Harrison Street  
Hollywood, FL 33020

King Godschild, *Pro Se*  
c/o Sherese Godschild  
2031 Harrison Street  
Hollywood, FL 33020

Queen Godschild, *Pro Se*  
c/o Sherese Godschild  
2031 Harrison Street  
Hollywood, FL 33020